

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.2278 of 2016

Date of Decision.31.03.2016

Shanti Devi

.....Petitioner

Vs.

Hamir Singh and others

.....Respondents

Present: Mr. Harish Khanna, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1. In suit for specific performance where the 1st defendant has admitted the execution of the agreement and expressed himself as willing to execute the sale deed, there is rival contention brought at the instance of the 2nd and 3rd defendants contending that the 1st defendant has given an affidavit to GMADA saying that the property was allotted to 2nd and 3rd respondents and that the 1st defendant is neither the owner nor a person competent to execute the sale in favour of the plaintiff. After the plaintiff is examined and cross-examined, the 1st defendant has filed application for comparing the affidavits purported to have been given by the plaintiff to GMADA with admitted signature. The Court has observed that it is burden on defendant Nos.2 and 3 to establish the contention that 1st defendant has given affidavit foresaking his claim to the property and it will be only after he gives his evidence, the 1st defendant could bring his own rebuttal to contend that the document

was not genuine. It has found that it is premature to make an examination of the signatures found in the affidavit and the Presiding Officer has not closed the option for the petitioner.

2. There is no merit in the petition to complain about the correctness. The order is well reasoned and it cannot be interfered with in the revision petition. The revision petition is dismissed.

(K. KANNAN)
JUDGE

March 31, 2016
Pankaj*